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Letter dated 24 April 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, containing the position of the Committee on the recommendations included in the sixth report of the Analytical Support and Sanctions Monitoring Team (S/2007/132, enclosure) (see annex). I would appreciate it if the report of the Committee, which was approved by the Committee on 23 April 2007, could be circulated to members of the Security Council and issued as a document of the Council.

(*Signed*) Johan **Verbeke**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Annex

Recommendations contained in the sixth report of the Analytical Support and Sanctions Monitoring Team

Position of the Committee

I. Introduction

1. In his letter dated 7 March 2007 addressed to the President of the Security Council (S/2007/132), the Chairman of the Al-Qaida and Taliban sanctions Committee transmitted the sixth report of the Analytical Support and Sanctions Monitoring Team submitted to the Committee on 7 November 2006 in accordance with Council resolution 1617 (2005) and requested that it be issued as a document of the Council. Having completed a thorough consideration of that report, the Committee would like to bring to the attention of the Council its position on a number of the recommendations contained therein.

2. The recommendations contained in the sixth report of the Monitoring Team originate from the observations and findings of the Team on sanctions implementation by States through the wide and intensive contacts with government bodies and institutions, as well as cooperation and interaction with relevant international and regional organizations. The Committee wishes to bring to the attention of Member States the recommendations endorsed by the Committee, as it believes that they can significantly improve States' sanctions implementation and hence strengthen the sanctions regime. The appendix highlights the recommendations contained in the sixth report that were strongly supported by the Committee. In some cases, the Committee has arrived at its own conclusions with regard to the implementation of recommendations.

3. The Committee also found some recommendations to be a valuable source for improving its work within the mandate entrusted to it by the Security Council. Taking into account their content, the Committee intends to achieve further progress in its procedures and practices, with emphasis placed on speeding up its decision-making process.

II. Background for the consideration of the report and methodology

4. The consideration of the report and its recommendations was undertaken following the revision of the Committee's guidelines related to the listing procedures on 29 November 2006 and the adoption by the Security Council of two important resolutions in December 2006. In its resolution 1730 (2006), adopted by consensus on 19 December 2006, the Council requested the Secretary-General to establish a focal point within the Secretariat (Security Council Subsidiary Organs Branch)[1] to receive de-listing requests submitted by a petitioner (individual, group, undertaking and/or entity on the Consolidated List as well as other sanctions Committee lists). Petitioners seeking to submit requests for de-listing can now do so

[1] Contact details: Focal point for de-listing, Security Council Subsidiary Organs Branch, room S-3055E, United Nations, New York, NY 10017, United States of America; tel. : + 1 917 367 9448; fax. + 1 212 963 1300/3778; e-mail: delisting@un.org.

either through the focal point or through their State of residence or citizenship. In its resolution 1735 (2006), also adopted by consensus on 22 December 2006, the Council reiterated the existing mandatory measures (assets freeze, travel ban and arms embargo). Moreover, it extended the period for consideration by the Committee of notifications submitted pursuant to paragraph 1 (a) of its resolution 1452 (2002) from 48 hours to three working days as well as the mandate of the Monitoring Team for another period of 18 months. The Committee's guidelines for the conduct of its work were revised accordingly on 12 February 2007[2] in order to take all those elements into account. Some technical improvements were also made with a view to achieving more accuracy and consistency throughout the text.

5. The Committee, under the new chairmanship of Ambassador Johan Verbeke (Belgium), started its discussion on the report in January 2007. In its presentation the Monitoring Team noted that of 49 suggested recommendations contained in the sixth report, 19 were identified as either fully or partially covered in the revised listing procedure and/or in resolutions 1730 (2006) and 1735 (2006). A number of those recommendations were indeed related to the improvement of listing and de-listing procedures.

6. The Committee started its consideration of the recommendations on 5 February 2007. At the Chairman's initiative, it decided not only to register its position vis-à-vis the Monitoring Team's recommendations but also to explore and develop them in a manner that would serve as a practical and useful tool to States in their implementation efforts. The Committee showed a special interest in those recommendations that could rationalize its work.

7. The Committee also realized that after having received from the Monitoring Team more than 250 recommendations since 2004, more attention should be paid to analysing them in a comprehensive and coherent manner in order to focus on those that had the potential to effectively assist States in their implementation efforts.

8. The Committee decided to review the recommendations that were already fully or partially covered in the framework of an overall evaluation of the implementation of resolutions 1730 (2006) and 1735 (2006) that would take place in July 2007.

III. The Consolidated List

9. In order to further strengthen the enforcement and the implementation of the sanctions measures, one of the primary objectives of the Committee remains to further improve its Consolidated List. In the light of the Committee's improved guidelines, especially with regard to its enhanced listing and de-listing procedures, including the established focal point, the Committee hopes that States will submit more names to be added to the Consolidated List. States are encouraged to use for this purpose the cover sheet (standard form) attached to resolution 1735 (2006) and to the Committee's guidelines. The blank form of the cover sheet is also available on the Committee's website. Furthermore, the Committee once again strongly encourages all States to forward additional identifying information on individuals and entities already placed on its Consolidated List and, to this end, to cooperate closely with the Committee and the Monitoring Team.

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[2] See press release SC/8965 dated 26 February 2007 and note verbale SCA/2/07(3) dated 5 March 2007.

10. The Committee also supported the recommendation that it should stay in regular contact with a State submitting a listing, de-listing request or a notification/request pursuant to resolution 1452 (2002). In that context, the Committee decided to systematically acknowledge receipt in writing of all communications addressed by the Member States to the Committee or its Chairman. The Committee intends to consider how to further enhance its communication with Member States outside the Committee, in particular in the cases when a hold has been placed. While the Committee in its work protects the confidentiality of the information provided by States, it also feels that it is necessary that a State which approached the Committee should be informed of the status of the submitted communication. In this connection, the Chairman expressed his willingness to facilitate contacts between members of the Committee and the State concerned, on a case-by-case basis.

11. Members supported the recommendation of the Monitoring Team to improve the quality of the Consolidated List by updating it with the relevant information when a listed individual was reported dead in case no decision had been taken to remove the name from the Consolidated List. In such instances a "proof" of death would be required to that effect. The Committee is ready to further consider this issue based on the procedure outlined in its note verbale SCA/2/06(8) dated 25 April 2006 and the further input of the Monitoring Team.

12. The recommendation of the Monitoring Team to utilize the Committee's website[3] for promoting the engagement of States in sanctions implementation and dialogue with the Committee was met with full support. The Committee fully realizes the potential of its website for interactive and mutually advantageous dialogue between the Committee and States. The Committee's website was redesigned and updated in February in order to make it more user-friendly. The recommendation to provide the Consolidated List to States in more convenient formats, such as Excel (xls) and plain text (txt), was fully supported by the Committee as that would allow States and their financial institutions to implement the assets-freeze measures more speedily. The Secretariat will very soon provide the Consolidated List in such a format.

IV. Implementation of sanctions

13. Currently, 151 States have submitted reports pursuant to Security Council resolution 1455 (2003) and 57 States have reported through the "checklist" pursuant to resolution 1617 (2005). Members continue to attach great importance to the reporting of States on their implementation efforts. At the same time, members felt that States should be strongly encouraged to report to the Committee whenever they had any information which could enhance the quality of the Consolidated List or any other important information regarding their implementation efforts. The limited use of the "checklist" by States had led the Committee to reconsider how to use that instrument in accordance with its initial purpose, i.e. to increase dialogue with States and at the same time to ease their reporting burden. Members felt that the current content and format of the "checklist" should be revisited with a view to redesigning it, if necessary, and afterwards to explore its efficiency on a trial basis.

[3] Address: http://www.un.org/sc/committees/1267/index.shtml.

States are invited to share their views regarding their experience with the "checklist".

V. Assets freeze

14. The Committee appreciates the constant efforts of the Monitoring Team to identify the challenges encountered by States in this area and its creative approach to addressing them. It finds the recommendations of the Monitoring Team in this area to be of particular significance for the improvement of the sanctions regime and worthy of further study. It feels that developing a summary of best practices directly related to the assets freeze would be especially beneficial for enhancing States' implementation in this area. The Committee thus encourages the Monitoring Team to initiate the work on best practices with the Counter-Terrorism Committee and relevant international organizations. It recognized that sharing information on Al-Qaida-related terrorist financing patterns more widely among States, on a voluntary basis, could assist in countering the financing of terrorist activities.

VI. Travel ban

15. The Committee appreciates the recommendations addressed by the Monitoring Team to States to be more vigilant in their implementation of the travel ban. It supported the purpose of the recommendation to encourage States to provide information about the issuance of new travel or other national identification documents to listed individuals or illegally acquired documents by those individuals, as that would improve the quality of the Committee's Consolidated List and prevent the unintended targeting of "innocent" individuals by the travel ban. In the meantime, States are strongly encouraged to seize stolen, lost and fraudulent passports and other travel documents, in addition to invalidating them as soon as possible, and to share information on those documents with other States through the Interpol database (pursuant to para. 9 of resolution 1617 (2005)).

16. The Committee also supported the recommendation addressed to States to examine all Interpol-Security Council special notices and to check to see if any of the names or aliases had a connection to their country. States are also invited to run the fingerprints contained in the restricted versions of the notices through their police databases to check for matches within their own systems. It was also suggested that the attention of the Member States should be drawn to other Interpol initiatives, such as its Fixed Interpol Network Database (FIND) and Mobile Interpol Network Database (MIND) projects and its DNA database.

17. The Committee also fully endorsed the recommendation to urge States through the Security Council to improve their technical capacity to implement the travel ban and to provide assistance to those States that lacked such capacity, including the provision of necessary equipment. At the same time, the Committee noted that even the most sophisticated documents could not prevent their misuse if procedures for acquiring them were lax and if required proofs of identity could be provided by documents which were, in their turn, easily forged or fraudulently obtained.

VII. Arms embargo

18. The Committee agreed with the recommendation that "technical advice, assistance or training" should cover not only those who conduct, direct or provide technical advice, assistance or training for listed parties, but also those who received it from listed individuals or groups. Furthermore, the Committee supported the recommendation to remind Member States that were the victims of Al-Qaida-related attacks of the possibility of listing those identified as responsible. The Committee, in principle, was in agreement with the recommendations aimed at improving the efficiency of the arms embargo by targeting those who supported terrorist activities, especially those whom States believed to have conducted bombings and killings in the name of listed individuals and entities. The Committee, as recommended by the Monitoring Team, wishes to remind States of their obligation to ensure that their nationals do not breach the arms embargo and to encourage them to prosecute those nationals acting to the contrary. The Committee would also like to encourage States to have the necessary domestic legislation in place to take action against such violations.

VIII. Monitoring Team activities

19. The Committee fully supported the recommendation of the Monitoring Team to clarify the distinct responsibilities of the three Security Council bodies dealing with counter-terrorism issues (the Al-Qaida Taliban sanctions Committee, the Counter-Terrorism Committee and the 1540 Committee). Better understanding of the roles of those bodies could assist States to pursue counter-terrorism activities in a more coherent and efficient manner. In this context, the Committee recalls that in July 2003, it issued a press release (SC/7827) explaining the basic difference between the Counter-Terrorism Committee and the Al-Qaida Taliban sanctions Committee. Furthermore, the Committee's website could prove to be a useful tool in this regard. In addition to highlighting the distinct functions of the three Committees, every effort should be made to strengthen their coordination in performing their complementary functions, including in their contacts with Member States.

20. Although the Committee intends to deal with the issue of cooperation with relevant international and regional organizations in great depth in April 2007, it supported the recommendation of the Monitoring Team to invite, on a case-by-case basis, representatives of those organizations to meet with the Committee for a mutually beneficial exchange of views.

IX. Conclusion

21. Given the useful information and the innovative ideas relevant to the sanctions regime, the Committee strongly encourages Member States to become familiar with the reports of the Monitoring Team. Those reports are available on the Committee's website. With the present report, the Committee hopes to highlight the recommendations contained in the sixth report that should be given proper consideration, as they may be a very helpful tool to better implement the sanctions measures. Some recommendations that were endorsed by the Committee will also contribute to further improving the conduct of the Committee's work.

22. This is the fourth written report of the Committee to the Security Council on the recommendations contained in the reports of the Monitoring Team. The Committee again wishes to encourage States to seize the opportunity provided to them in paragraph 29 of resolution 1735 (2006) and to send their representatives to meet with the Committee for more in-depth discussion of relevant issues related to the 1267 Committee.

23. The Committee would like to express its appreciation to the Monitoring Team for the high-quality report and recommendations contained therein as well as for the highly professional support and assistance provided to the Committee and looks forward to receiving the seventh report, to be submitted by the Team in accordance with annex II to resolution 1735 (2006), on 30 September 2007.

Appendix

Highlights of the recommendations contained in the sixth report of the Monitoring Team strongly supported by the Committee

The following table highlights the recommendations that were strongly endorsed by the Committee during its consideration of the sixth report of the Monitoring Team (S/2007/132, enclosure). All these recommendations as well as those where the Committee has arrived at its own conclusions can be found in the present report. It is worth noting that the recommendations already covered in Security Council resolutions 1730 (2006) and/or 1735 (2006) are not reflected herein, since the Committee has decided to discuss them in July 2007 as part of an overall evaluation of the implementation of the aforementioned resolutions (see paras. 2, 5 and 8 of the present report).

	Action for Member States
Assets freeze	• States are encouraged to share information on Al-Qaida-related terrorist financing patterns more widely so as to promote more effective methods and best practices in relation to countering the financing of terrorism (sect. V.F, paras. 67-68)
Travel ban	• States are recommended to examine all Interpol-Security Council special notices with a view to determining whether any of the names or aliases provided has a connection to their country • States are invited to run the fingerprints contained in the restricted versions of the notices through their police databases to check for matches within their own systems (sect. VI.C, para. 80) • States are reminded that even the most sophisticated identity and travel documents can be forged in the absence of strict acquisition procedures (sect. VI.E, para. 84)
Arms embargo	• States that are victims of Al-Qaida-related attacks are reminded of the possibility of listing those identified as responsible (sect. VII.D, para. 101) • States are reminded of their obligation to prosecute those nationals who do breach the arms embargo and to have the necessary national legislation in place to take action against such violations (sect. VII.D, para. 102)

	Action for the Committee
Consolidated List	• It is important to maintain regular contact with any State submitting a listing, de-listing or resolution 1452 (2002) submission until a decision has been reached; especially when a submission remains unresolved for a certain time (sect. III, para. 16) • The List should be provided in formats that can be downloaded and more easily transferred electronically, such as Excel (xls) and plain text (txt), with a view to assisting States in their implementation efforts (sect. V.C, para. 58)
Travel ban	• The attention of States should be drawn to Interpol initiatives, such as the Fixed Interpol Network Database (FIND) and the Mobile Interpol Network Database (MIND) projects, as well as the DNA database (sect. VI.C, para. 81)
Arms embargo	• It is relevant to clarify what is meant by "technical advice, assistance, or training" in connection with the arms embargo measures (sect. VII.C, para. 98)
Outreach	• Further clarification should be provided of distinctions between the work of the Counter-Terrorism Committee and the 1540 and Al-Qaida and Taliban Committees, whether through press releases, official statements or even through new resolutions (sect. VIII.A, para. 103) • Support should be provided for assembling an information package containing the most important information that might assist States' understanding of the Committee's work and of their obligations to implement the measures (sect. VIII.F.2, para. 116)